

Minutes of the Planning Commission meeting held on Thursday, August 7, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair  
Karen Daniels, Vice-Chair  
Sheri Van Bibber  
Jim Harland  
Jeff Evans  
Ray Black  
Tim Tingey, Community & Economic Development Director  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The planning commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Tim Taylor opened the Planning Commission meeting at 6:30 p.m. and welcomed the public.

#### APPROVAL OF MINUTES

Tim Taylor asked for additions or corrections to the June 5, 2008 minutes. Jeff Evans made a motion to approve the minutes as submitted. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously (6-0).

#### CONFLICT OF INTEREST

Tim Taylor asked if there are any conflicts of interest with regard to tonight's agenda items. There were no conflict of interests with tonight's agenda items.

#### WHY'RD - 4284 South Commerce Drive

Michael Burnett was present to represent this request. Tim Tingey reviewed the location and request for a 6 month time extension for mobile offices on the property addressed 4284 South Commerce Drive located within the M-G-C zone on 3.82 acres. Municipal Code Ordinance 17.56.100, allows mobile offices use with planning commission approval for an initial time of 6 months and may be extended for an additional year based on plans approved by the commission for permanent building use. The planning commission had granted 6 months approval from February 7, 2008 to August 7, 2008. The planning commission may extend the time period for mobile offices for up to one year based on a permanent building approval by the commission. The applicant had received commission approval for a permanent building use at the meeting dated June 19, 2008 along with parking. They are required to have 120 parking spaces for the site and the applicant indicated that 153 parking stalls will be provided with 52 future parking stalls planned. The plans show the mobile office meet the setback requirements of the M-G-C zone. Based on the information presented, application materials submitted and site review, staff recommends approval for a 6 month time extension (February 7, 2009) subject to the original conditions of approval on February 7, 2008.

Michael Burnett, 9694 South Mt. Jordan Road, Sandy, stated that they have submitted building permit plans for the permanent structure and the process is taking longer than anticipated.

Jeff Evans commented that over the years there have been numerous applications for this property and it is pleasing to see such positive action now being taken on the property and complimented the applicant on their endeavors.

No comments were made by the public.

Ray Black made a motion to grant a 6 month time extension to February 7, 2009 for the temporary mobile offices for Why'rd, located at 4284 South Commerce Drive, subject to the original conditions listed as follows:

1. The City Engineer noted to repair any damaged sidewalk or trip hazards.
2. Meet all Fire, Power, Water and Sewer Department requirements.
3. Meet the requirements of the Building Official for current building and fire codes and permits for the temporary mobile offices.
4. Meet the ordinance requirements and approval of the City Forester for landscaping/sprinkler system plans and installation.
5. All of the parking stalls shall be paved and striped including a disabled stall to meet zoning and ADA regulations.
6. Meet the sign code regulations for electronic message center signs.
7. Remove the temporary mobile offices within 6 months of the approval date (February 7, 2009). The applicant will need to apply for commission approval for any time extensions.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

<u>  A  </u>	Ms. Van Bibber
<u>  A  </u>	Mr. Black
<u>  A  </u>	Ms. Daniels
<u>  A  </u>	Mr. Taylor
<u>  A  </u>	Mr. Harland
<u>  A  </u>	Mr. Evans

Motion passed, 6-0.

JEHOVAH'S WITNESS CHURCH - 203 East 5600 South

Dave Huffman was the applicant present to represent this request. Tim Tingey reviewed the location and request for Conditional Use Permit approval for a monument sign for the new church building for Jehovah's Witnesses. Municipal Code Ordinance 17.48.110.F allows signs in

residential zones with conditional use permit approval by the planning commission. The property is located within the R-1-8 zone on .96 acre. The proposed sign will be 4 ft. X 8 ft. with 2 supporting columns 2 feet wide on each side and the sign will be 6 feet high. The proposed sign shows it will be located 30 feet back from the driveway access into the property and will be located 4 feet from the property line in front of the building. The Water and Sewer Department noted the proposed sign cannot be located over the water and sewer lateral services. The applicant will need to meet the requirements of the Building Official for permit and code compliance. The applicant will need to provide plans from design professionals to meet current codes. Meet all Power Department requirements. Based on the information presented, application materials submitted and site review, staff recommends approval with conditions.

Dave Huffman, 8117 South Washington Street, Midvale, stated he has reviewed the staff recommendations and will comply.

No comments were made by the public.

Jim Harland made a motion to grant Conditional Use Permit approval for a monument sign for Jehovah's Witnesses property located at 203 East 5600 South subject to the following conditions:

1. The sign will need to meet the sign code regulations and the building code requirements of the Murray Building Official.
2. Meet all Power, Water and Sewer Department requirements including water and sewer line clearance.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

<u>A</u>	Ms. Van Bibber
<u>A</u>	Mr. Black
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor
<u>A</u>	Mr. Harland
<u>A</u>	Mr. Evans

Motion passed, 6-0.

#### MURRAY BAPTIST CHURCH - 184 East 5770 South

John Sharer was the applicant present to represent this request. Tim Tingey reviewed the location and request for Conditional Use Permit approval for a monument sign for the Murray Baptist Church located at 184 East 5770 South. The property is located within the R-1-8 zone on .7 acre. Municipal Code Ordinance 17.48.110.F allows signs in residential zones with Conditional Use Permit approval from the planning commission. The proposed sign will be 6 feet high and 6 feet wide. The plans for the proposed sign shows the sign will be located 30 feet back from the west property line and 5 feet back from the front property line at the north side of the property. The Water and Sewer Department noted the proposed sign cannot be located over

the water and sewer lateral services. The applicant will need to meet the requirements of the Building Official outlined in the codes. The applicant will need to provide plans from design professionals to meet current codes. Meet all Power Department requirements. Based on the information presented, application materials submitted and site review, staff recommends approval with conditions.

John Sharer, 540 West 3560 South, stated he is representing Advantage Letters and Signs for this proposal. Mr. Sharer stated he has reviewed the staff recommendations and will comply. He stated there is an existing monument sign on the property that is about 50 years old and in disrepair that will be removed with approval of this proposed sign.

No comments were made by the public.

Ray Black made a motion to grant Conditional use Permit approval for a monument sign for Murray Baptist Church located at 184 East 5770 South subject to the following conditions:

1. The sign will need to meet code requirements of the Murray Building Official.
2. Meet all Power, Water and Sewer Department requirements including clearance from water and sewer lateral services.

Seconded by Jim Harland.

Call vote recorded by Tim Tingey.

<u>A</u>	Ms. Van Bibber
<u>A</u>	Mr. Black
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor
<u>A</u>	Mr. Harland
<u>A</u>	Mr. Evans

Motion passed, 6-0.

#### JOHN'S PLACE P.U.D. - 108 West Lester Avenue

David George was the applicant present to represent this request. Tim Tingey reviewed the location and request for amendment to the Conditional Use Permit approval for John's Place Planned Unit Development generally located at 108 West Lester Avenue within the R-1-8 zone on 1.84 acres. John's Place P.U.D. had previously received Conditional Use Permit approval by the planning commission at the meeting dated November 15, 2007. The changes to the P.U.D. include new architectural exterior elevation plans and materials for the exterior of the homes and the addition of garages or carports on lots #4 and #8. Municipal Code Ordinance 17.60.020 allows a planned unit development with Conditional Use Permit approval by the planning commission. The building setbacks in the planned unit development are as approved by the planning commission with development plan approval. The applicant will need to meet the requirements of the City Engineer for a formal drainage plan. Meet the requirements of the Building Official for compliance to current building codes. Provide a soils report from a geo-technical engineer. Meet all Fire, Power, Water and Sewer Department requirements. The

Water Department noted the Lot #4 lateral issue needs to be approved before work of relocation proceeds. The Fire Department noted no parking will be allowed on the interior streets. Based on the information presented, application materials submitted and conditional use permit review, staff recommends approval subject to the original conditions imposed by the planning commission on November 15, 2007.

Mr. Tingey stated there has been a letter submitted by an adjacent property owner, Leonard Pilati who resides at 6555 Jefferson Street. His concerns are that David George is wanting to build within 6'5" from his property line and is too close because of fire danger. If there is a fire and a south wind, it could start his home on fire. Mr. Tingey stated this letter will be added to the file.

Mr. Harland clarified that this is a modification to the original conditional use permit for John's Place P.U.D.

David George, 67 East 6850 South, Midvale, stated he has reviewed the staff recommendations and will comply with the original conditions as granted. He stated that he will need to look at the side yard setback and they will comply as required and if it is not 8 feet, they will adjust the plans accordingly. He stated most of the architectural changes are to have a garage or at least a carport. He stated the single family home should have been included for the single family lot but, the wrong building plan which was a duplex plan was placed on the lot. This correction has been made on the new plans submitted. He stated the architectural changes include having stone, stucco and brick rather than the previously approved all brick or all stone exteriors.

Rea Allsop, 111 West Lester Avenue, asked if this area will still remain residential with this new development. She asked about a big pile of garbage on the old Sagendorf property. She stated that there has been much construction in the area and asked if the properties could remain cleaned up during the construction period. Mr. Taylor responded that the property will remain residential with this development.

Leon Allsop, 111 West Lester Avenue, stated that his home is across from lot #8 of this development where the older beautiful home has recently been demolished and the property owner used to be able to park 7 vehicles on the property. He questioned the ability to have much parking space with the proposed carport. He expressed concern about snow removal potentially being pushed onto his property. He stated he was opposed because of the safety factor for this development and the street is only 27 feet wide. He stated that the chimney for the home on lot #7 is 29 inches off the road and the home is 4 feet setback at the rear yard.

David George stated that there is a big pile of construction debris from the storm drain installation that will be removed by the end of next week because the asphalt was installed last Tuesday and they cannot drive on the asphalt for about a week. He stated they are hoping to be done with the construction and debris problems within a week. He stated the parking issue for lot #7 now shows a carport and or potential garage. He stated there is adequate area to pile snow in the retention area used for the park and the common area.

Jeff Evans made a motion to amend the Conditional Use Permit for John's Place P.U.D. located at 108 West Lester Avenue. This amendment to include architectural elevation plans and materials for the exterior of the homes and addition of garages or carports on lots #4 and #8 and

subject to the original conditions approved by the commission on November 15, 2007.  
Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

<u>A</u>	Ms. Van Bibber
<u>A</u>	Mr. Black
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor
<u>A</u>	Mr. Harland
<u>A</u>	Mr. Evans

Motion passed, 6-0.

HEATHER BROWN - 179 West Winchester Street

Heather Brown was the applicant present to represent this request. Tim Tingey reviewed the location and request for a zone change from R-1-8 (single family residential) to R-N-B (residential neighborhood business) for the property located at 179 West Winchester Street on .52 acre. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The Plan also identifies future land use as depicted on Map 2-4. The area in question is currently designated as residential single family low density area. However, the General Plan outlines areas to be evaluated for future zoning changes and this parcel is located in an area of proposed zoning changes from Residential to Residential Neighborhood Businesses uses. The Community & Economic Development Department staff has analyzed the contents of the General Plan and it is clear that the site in question is in an area to transition from Residential to Residential Neighborhood Business zoning. Additionally, in Map 2-3 related to Land Use Concepts, specifically states that the City is to "Encourage residential-scale mixed uses and a general clean-up along Winchester Street". This rezone request adheres to the goals, policies and implementation measures to begin the process of transitioning this area from residential to residential business. The future use is proposed to be a photography studio which is specifically allowed as an R-N-B use (Use 6221 Portrait Photography). Current uses are a mix of residential and neighborhood business and the use proposed will blend appropriately with surrounding uses.

Heather Brown, 8311 South Arlington Court, West Jordan, stated that she is desirous to change the zoning of this property with the intention of having a photography business at this location.

No comments were made by the public on this item.

Jeff Evans made a motion to send a positive recommendation to the City Council for a zone change from R-1-8 (residential single family) to R-N-B (residential neighborhood business) for the property addressed 179 West Winchester Street because it is consistent with the general plan. Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

<u>A</u>	Mr. Evans
<u>A</u>	Ms. Daniels

A   Mr. Black  
  A   Mr. Taylor  
  A   Mr. Harland  
  A   Ms. Van Bibber

Motion passed, 6-0.

FIRECLAY OFFICE PARK SUBDIVISION - 4241 South Main Street

Nick Mingo and Michael Brodsky were the applicants present to represent this request. Tim Tingey reviewed the location and request for preliminary/final subdivision approval for the property addressed 4241 South Main Street located within the T-O-D zone on 6.4 acres. The request is to subdivide the property into four parcels and includes a new public street, Gilbride Avenue, near the center of the property. The Planning Commission is required by State Code (10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that the proposed subdivision is consistent with established ordinances, policies and planning practices of the city. The Planning Commission acts as an advisory body to the Mayor. It shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the commission review and approval of a subdivision application, the subdivision plat and other applicable documents to be recorded are forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Records office for review and recording. The applicant will need to meet the City Engineer for the recording of the subdivision plat including grading and drainage plans and utility easements. To meet all Fire, Power, Water and Sewer Department requirements. The Water Department noted the developer will need to make sure the plans indicated a looped water system throughout the development. The subdivision plat meets the requirements and provisions of the subdivision regulations. The plans submitted relating to preliminary and final subdivision review are the subdivision plat, grading and drainage plans, utility plans, erosion control plan, the Gilbride Avenue public street is shown on the plat relating to the Transit Oriented Development Master Transportation Plan. Based on the information presented, application materials submitted and subdivision review, staff recommends approval with conditions.

Nick Mingo, 308 East 4500 South #200, Murray, stated the purpose of the subdivision is for the first of three office buildings which would be located on lot #103. Lot #104 is to be open space with a conservation easement including a trail along the creek continuing with the Birkhill project. Lots #101 and #102 will be future buildings and related parking. He stated that they will comply with the five recommended conditions for approval. He stated that they wish to develop lots #101 and #102 in a future phase as they are not building any structures on those two lots at this time. He asked if they could only record lots #103 and #104 and portions of Gilbride Avenue that would service the two lots.

Mr. Tingey commented that when the application was submitted to the planning department, the staff reviewed that application, and this request for phasing of the project is a change in application that has not had proper review and is being presented at this meeting. The commission policy has not been to accept changes to an application at the last minute, such as this. He recommended to the commission that this change in application for a phasing of the subdivision not be done. Mr. Tingey stated that if the commission approves the four lot

subdivision as reviewed by staff, the applicant would need to return to the commission at a later meeting date to amend the subdivision. He stated with regards to the noticing requirements, the application has been noticed sufficiently and if the commission feels comfortable acting on the phased subdivision request by Mr. Mingo, they may do so. Mr. Tingey stated that the commission could approve the entire subdivision, and record only phase one, if the commission approves it as such. Mr. Taylor stated that the commission was in agreement to not act on this change in the application for the phasing and recordation of the subdivision. He asked that Mr. Mingo explain why this change is being requested at the last minute.

Mr. Mingo stated the reasons for phasing the project is that since the road is a public road, they would be bonding for all the improvements. In discussions with Mr. Tingey, it was decided at a staff level they could phase the improvements in order to get around bonding for all the improvements. Also, if they record the subdivision with all four lots and the entire length of Gilbride Avenue as a public right-of-way, they will record about ½ acre of land into public right-of-way that the bank will no longer count as land they own when they apply for financing of the first building. If the project is phased, and the ½ acre is retained as vacant land they own, the bank will lend them an additional \$500,000 towards construction of the first building because that is land they would own. He stated the plat must be recorded in order to obtain financing.

Mr. Mingo stated if the commission does not wish to grant phasing of the development at this time, he would return at the next scheduled meeting with request for the amendment for the phasing of the development. Mr. Mingo explained that the only part of Gilbride Avenue that he wished to not include from the first phase would be everything south of lot #102. Anything that is south of lot #103 would still be included with the first phase, excluding the portion that needs to be dedicated as Firelcy Avenue and Main Street.

The commission members had a discussion regarding the phasing of the development. Karen Daniels expressed concern with the road going through with the phasing of the development. Mr. Tingey stated that with the phasing, what is recorded would show the entire plat, i.e. it would show the road going clear through and the entire plat as presented. But, it would also include an element that would say Phase I and Phase II and that they would be recording, Phase I at this time. He explained that the applicant would not need to return to the commission for approval for the second phase, but would be a matter of bringing the plat to the city staff for facilitating recording for the second phase. The commission may recommend approval of the entire subdivision allowing it to be recorded in two phases.

The commission members agreed to consider the phasing of the development as requested by Mr. Mingo and that the plat will be recorded in two separate phases. This may help the development to be constructed more rapidly.

Mr. Taylor stated that the commission has had in the past, applicants bring changes for their applications at the last minute and they have not had adequate time to review the requested change. The commission has had a policy that they typically not accept last minute changes requested by the applicant and have requested a minimum notice of 48 hours.

Mr. Taylor clarified the request of Mr. Mingo to phase the development. This phasing request is that Phase I is Lot #104 and #103 along with the section of Gilbride Avenue that is adjacent to lot #103. Lots #102 and #101 and the eastern two-thirds of Gilbride Avenue would be in Phase II.



Mr. Tingey expressed concern with this phasing request being done at tonight's meeting without proper review, even though it is a modification that can work and appropriate noticing has been done. He stated that there is an application process in place with the Community & Economic Development Department which is acted upon and is subsequently submitted to the commission for action, and to have this process changed at the last minute could potentially be a concern. This particular application may not be a huge concern, but could be on other applications and is a matter of policy practice. He stated he would prefer that the commission act on the original application for the four lot subdivision and not the phase I and phase II as requested tonight.

Jeff Evans asked Mr. Mingo for clarification regarding the time line for this request for the phasing as opposed to not phasing and financing issues. Mr. Mingo responded that their goal is to begin construction of the office building in September and have the building ready for occupancy in July of 2009. He estimated if the commission does not wish to approve the phasing at this time, he would return at the next available planning commission meeting requesting an amendment to the subdivision to allow for the phasing and will merely postpone the project by one month. He indicated that they are already on a tight time limit to complete the building for their prospective tenant.

Edward Brady, 4244 South State Street, indicated he was representing Randall's Body Shop. Mr. Brady expressed concern with the 7-8 foot elevation drop towards the back of the property and if a retaining wall will be installed and if the existing fence will be retained. He stated that the site plan has been revised with regard to the parking lot. Mr. Brady stated that their property has a well and their well has gone down since construction began on this property and they have no water in one well. Mr. Brady stated there are no fire hydrants within a block of their property. Mr. Taylor responded that the subdivision approval is not granting site plan approval for the parking lot or retaining walls. The site plan approval process would occur with the next agenda item and fire hydrants would be required at that time.

Michael Brodsky, 308 East 4500 South, Suite 200, stated he is the owner of Hamlet Development who is developing this subdivision. Mr. Brodsky stated this last minute change occurred because Mr. Mingo was unaware that the ownership of the property is currently under one owner. He stated that he needs to be able to transfer ownership of the one lot which is the reason for the phasing. He stated he does not wish to disrupt the city's application and approval process. He asked if the commission would consider the request for the phasing as part of tonight's agenda and will allow them to ease up on a tight time line. However, if the commission does not grant the phasing request tonight, they can make the first meeting in September and will delay them only by a few weeks.

The public comment portion was closed for this agenda item.

Mr. Evans commented that Hamlet Development has an impeccable track record with the city and may be reasoning for the commission to grant the phasing request as opposed to a developer unfamiliar with the city. He commented that this is a very important project as it relates to the city's TOD zone.

Ray Black expressed concern that the commission recently changed their policy for approving last minute changes as requested by an applicant.

Jeff Evans made a motion to approve the phasing of the subdivision ( Phase I and Phase II) for the Fireclay Office Park Subdivision. Seconded by Jim Harland.

Call vote recorded by Tim Tingey.

<u>  A  </u>	Ms. Van Bibber
<u>  A  </u>	Mr. Black
<u>  A  </u>	Ms. Daniels
<u>  A  </u>	Mr. Taylor
<u>  A  </u>	Mr. Harland
<u>  A  </u>	Mr. Evans

Motion passed, 6-0.

Jeff Evans made a motion to send a positive recommendation for preliminary and final subdivision approval for the Fireclay Office Park Subdivision located at 4241 South Main Street. This subdivision approval is to allow a phasing of Lots #103 and #104 as phase I; and Lots #101 and #102 as Phase II which includes the roadway in front of those lots, subject to the following conditions:

1. Meet the requirements of the City Engineer and the subdivision regulations.
2. Meet all Fire, Power, Water and Sewer Department requirements. The Water Department noted the developer will need to make sure the plans indicate a looped water system through the development.
3. Meet the requirements for utility easements on the site as required and approved by the Murray City officials.
4. Final grading and drainage plans are required to be approved by the City Engineer.
5. To dedicate portions of their property for additional public right-of-way along Fireclay Avenue and Main Street for additional pedestrian ways, as per the agreements with the Redevelopment Agency of Murray City.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

<u>  A  </u>	Ms. Van Bibber
<u>  A  </u>	Mr. Black
<u>  A  </u>	Ms. Daniels
<u>  A  </u>	Mr. Taylor
<u>  A  </u>	Mr. Harland
<u>  A  </u>	Mr. Evans

Motion passed, 6-0.

DUNDEE OFFICE BUILDING - 4241 South Main Street

Nick Mingo and Michael Brodsky were present to represent this request. Tim Tingey reviewed the location and request for an office building located in the Transit Oriented Development (T-O-D) zoning district. This proposal was reviewed by the Redevelopment Agency on July 22, 2008, and there are agreements regarding this project. The building is proposed to be on approximately 6.4 acre parcel and is proposed to be three stories with approximately 34,821 square feet. The current zoning is T-O-D and allows for an office building with professional services, land use #6500. Murray City Ordinance 17.168 outlines the elements and standards as required in the T-O-D. The proposal for the setbacks meets the setbacks, parking regulations, height regulations, open space requirements, access improvements, site amenities, and ceiling height limitations. The RDA has hired a consultant to give input to them on the elements of the design guidelines and input was received from the consultant and are included in the staff report. There were two elements of concern with the RDA and the consultants which were enhancing connection between buildings, sidewalk and pedestrian pathways and integrating ecological and sustainable concepts and must be mutually agreed upon between the City's Community and Economic Development staff, and their consulting representatives, and Hamlet Development to ensure the design standards are being met. The RDA charged city staff to work through these issues and reach a mutual agreement. This includes the windows and the configuration of the windows, the transparency verses glazed components as well as the number of accesses into the building. The RDA consultant indicated a need for more access points to make the building more functional related to the design guidelines. More information is requested for the ecological and sustainable concepts. Staff feels the project is in general conformance with the Murray general plan, the specific area plan as adopted provided that the recommendations and conditions are included. The project conforms with the requirements and applicable sections of the zoning ordinance with modifications. The project does not jeopardize the health, safety or general welfare of the public. Based upon the findings and application materials, site review, staff recommends approval of this request subject to conditions. Emphasis was made that the 15 foot landscape setback must be met adjacent to the parking area.

Mr. Taylor asked Mr. Tingey what would happen if the city staff and Hamlet Development cannot mutually agree upon the design standards. Mr. Tingey responded the applicant may need to appear before the planning commission if agreements cannot be made.

Michael Brodsky, 308 East 4500 South #200, stated that he feels the city and his company will be able to work through the design standards and reach a mutual decision. He stated that the fundamental discussion is whether or not this building is appropriate for future retail use and with that consideration they need to be able to demonstrate that at some future time it could be converted into first floor retail. In the overall site plan, this building is the most far removed from the core activities and is the least likely building in the design parameters to eventually become a retail use. Part of the T-O-D ordinance is to provide long-term flexibility in the design of the way the communities are built. Over the next 5-6 years the project will be built out and this building may then be converted to retail use and is designed to provide that flexibility. Mr. Brodsky stated that he has reviewed the staff recommendations and will comply as outlined.

Mr. Brodsky stated that they have secured the Lochneer Engineering firm as a tenant for the top two floors of this building and is being built to suit. He stated that he had a discussion with the RDA board regarding the Gilbride Avenue right-of-way not being an appropriate through street and he will petition that the transportation plan be changed and that the street ultimately be

eliminated. He anticipates doing this within the next 2-3 months. The plans submitted to the commission at this meeting are in full conformity to the T-O-D ordinance and to all ordinances that govern this project. He stated they have designed it in such a fashion that if the RDA decides that the transportation plan should not change, then they will go forward as shown. If the RDA decides to change the transportation plan the right-of-way will be eliminated. He stated among many reasons that the right-of-way be eliminated is because it dead ends into property that is not Murray City. Secondly, it dead-ends at a point where there is a grade transition in excess of 10 feet and to make the connection is very challenging. Thirdly, there is a building that sits at the end of the where this road is intended to come through. Fourth, they have provided connectivity by virtue of continuing a trail system through parcel "G" which is the open space along the creek.

Sheri Van Bibber stated that the 10 foot change in grade is the issue referred to by Mr. Brady earlier in the meeting. Mr. Brodsky concurred.

Karen Daniels stated if this project is approved and when construction has begun, Gilbride Avenue is anticipated to be brought in as shown on the plans of phase I and install the parking lot as shown on the plat presented at this meeting. Mr. Brodsky concurred.

Jim Harland was excused from the meeting at 8:00 p.m.

Edward Brady, 4244 South State Street, stated he is representing Randall's Body Shop. Mr. Brady stated his property is located to the east of the property in question. Mr. Brady expressed concern with the 6-7 foot change in grade between the properties and they would like to have a retaining wall be installed to retain the property and provide for appropriate drainage. He expressed concern with the fact that they have lost water in one of their wells that has just recently occurred since the construction began on this development. He stated that the EPA required the developer to move dig the soil down 24 inches all the way to the property line, but at this point they have come within 20-30 feet from property and there are already concerns. If they go to the property line, the fence will be disturbed. Mr. Brady asked if it is possible for the city to run a water line to their property because of the loss of their well water.

Mr. Brodsky stated he is not prepared to address the necessity for a retaining wall at this location as suggested by Mr. Brady. He stated that their plans currently do not call for a retaining wall. Nick Mingo stated the grade transition varies with an average of 10 feet along the east side. The top of the slope is approximately at the property line. They do not plan to disturb the existing fence. The new parking lot will sit back 10-15 feet west of the fence and will be graded so as to drain towards the west and not towards Mr. Brady's property. He stated their engineers have reviewed the site and they do not anticipate the necessity to have a retaining wall at this location. He stated if the fence is disturbed, they will repair or replace the fence. He stated their work to date has been surface excavating and generally they have excavated only 2 feet deep. They have dug one hole 8 feet deep that is a small test pit, but this should not have affected Mr. Brady's loss of well water.

Mr. Brodsky stated that they are doing an environmental clean up because of contamination of lead, arsenic and radioactive materials on site and indicated that he would not want to drink out of a well that is adjacent to this property. He stated that lead and arsenic do not migrate and are not soluble materials and were found only on the surface of the site and is not likely that they would migrate into the water table. Mr. Mingo stated that they drilled three test wells and

sampled the ground water and one test did show high levels of PCB's, but was caused from sediment from falling into the hole as they drilled and there is no ground water contamination. Mr. Brodsky retracted his statement about the possibility of contaminated water in the wells owned by Mr. Brady.

Tim Tingey stated that he is not able to respond to the possibility of extending the water line to Mr. Brady's property and this would need to be addressed by the Murray Water Department. He stated that the fire hydrant issue is addressed by staff recommendation #7, which requires meeting all building and fire code standards that also include fire hydrant placement for this development and Mr. Brady may need to contact the County and/or City fire departments.

Edward Brady stated the Murray City fire hydrant is behind the waterbed store next to the corner of Fireclay Avenue. The county fire hydrant is located across the street and there is one down on the corner of Gordon Lane, across the street. The county addressed previously, and this would require bringing a line underneath the river and the county felt it wasn't feasible to do so.

Mr. Mingo indicated that they will landscape and irrigate the area of property adjacent to Mr. Brady's property.

John Brady, 3132 West 7670 South, asked about potential fencing around the development at any location and access into the back of their property is a concern because they have a towing impound yard and security may be an issue. In the past, when the lot was vacant and was fenced, security has not a concern. Mr. Taylor stated that the development will need to meet the requirements as it relates to fencing, setbacks, and lighting, etc. He encouraged Mr. Brady to meet with the developer to address his concerns.

Sheri Van Bibber made a motion to grant site plan approval for the Dundee Office Building located within the T-O-D zone addressed 4241 South Main Street subject to the following conditions:

1. A fifteen (15) foot landscaped setback shall be provided for the parking area.
2. The site must include construction of adjacent sidewalks park strips and other landscaping curb, gutters, lighting and street furniture in conformance with T-O-D design guidelines.
3. Trash collection, recycling, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from public streets. Screening shall be a minimum of eight feet.
4. All applicable site amenities must be included as part of the development as outlined in the Ordinance and Design Guidelines.
5. Design Standard elements for enhancing connection between building, sidewalk and pedestrian pathways and integrating ecological and sustainable concepts must be mutually agreed upon by the City's Community and Economic Development staff and their consulting representatives and Hamlet Development for this site to ensure that design standards are being met.

6. A landscaping plan must be submitted and approved by Murray City staff.
7. The building must adhere to all building and fire code standards.
8. The applicant must provide a soils report from a geo-technical engineer at the time of building plan submittal. All building plans must be stamped and sealed by an appropriate design professional for review and approval.
9. All Water and Sewer Department standards must be adhered to.
10. All Power Department requirement standards must be adhered to.
11. State and County permits for drainage must be obtained. A Utah Pollution Discharge Elimination System (UPDES) permit is required and, if necessary, bonding may need to be obtained for subdivision improvements.
12. All other city standards for this site must be adhered to.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

<u>A</u>	Ms. Van Bibber
<u>A</u>	Mr. Black
<u>A</u>	Ms. Daniels
<u>A</u>	Mr. Taylor
<u>A</u>	Mr. Evans

Motion passed, 5-0.

Mr. Taylor asked how the name Dundee Office Building was arrived. Mr. Brodsky responded that "Dundee" is his father-in-law's family name and most of his developments are of Scottish orientation.

#### OTHER BUSINESS

Tim Tingey stated that there has been a new policy implemented which allows Site Plan Review to be handled administratively with the planning staff and will no longer come before the planning commission. This process will still include the Planning Review Meeting which is review and input from the various city departments prior to any decisions being made on an application. This is for uses that are allowed uses and are in conformity to the zoning district within which the subject property is located. This will help streamline things for the applicant and planning commission. No public noticing is required for site plan review applications.

Meeting adjourned.

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Tim Tingey  
Community & Economic Development Director